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IV. COLONIES AND COLONIAL GOVERNMENT.

Philippines.—The new system of local government introduced in the Philippines has excited much comment throughout the United States. Considerable time was spent upon the preparation of the system by the second commission, and the general plan of local government which has been evolved is of great interest, not only by reason of its influence upon the Philippines, but also as an experiment whose results may be utilized in our other dependencies. The framework of local government has been founded upon two laws, governing respectively the municipality and the province. The law of municipal organization, which is the more important and fundamental of the two, provides for a complete and rather highly developed municipal system, which is to be applied at the discretion of the civil and military authorities in any part of the archipelago. The prevalent Anglo-Saxon distinction between rural and urban government, so well-known in the United States, has not been introduced by the legislator for the Philippines, but the municipality is made to comprise both urban and rural territory.

Each *municipio* is given the usual corporate powers. The government is composed of a president, vice-president, municipal council and certain appointed officers, such as the secretary and treasurer. The president, vice-president and council are elected at large in the municipality and hold office for two years. The number of members in the council varies from eight to eighteen, according to the population, there being four classes. The municipality is divided into wards or *barrios*.

The suffrage qualifications are relatively high; electors must be male persons twenty-three years of age or over, resident in the municipality, and must either have held certain important municipal offices prior to August, 1898, or own real estate to the value of five hundred dollars, or pay thirty dollars of taxes annually, or speak, read and write English or Spanish. Each elector is required to subscribe to an oath of allegiance to the United States. Persons in arms against the authority of the United States since the first day of April, 1901, or contributing to the insurgent cause since that time, are disqualified. The first election is to be held on the first Tuesday of December, 1901, and annually thereafter. The president of the municipality prepares the voting register, appeals from which may be taken to a registry board consisting of the vice-president, municipal treasurer and president. The elections are presided over by a board of election judges, who are chosen by certain members of the municipal council.

The powers of the president are extremely important and far-reaching. Besides the usual responsibility for the execution of municipal ordinances, he is required to examine the books of municipal employees, control the local police, assist in the collection of taxes and in the holding of certain public auctions, to hold hearings upon complaints respecting the violations of public ordinances and impose punishments for such violations, preside at the meetings of the municipal council, approve ordinances adopted by the council or veto the same, and appoint, by and with the advice and consent of the majority of the council, a municipal treasurer, a municipal secretary, and all other appointed officers of the municipality. He may also suspend and, by and with the advice and consent of the council, discharge such officers. The president's symbol of authority is a black, gold-headed cane with silver cord and tassels. The powers of the municipal secretary and treasurer respectively are such as naturally fall to these offices. The maximum salaries of the president, secretary and treasurer are fixed by the law according to the class of municipality.

Service in elected municipal offices is compulsory, except for those who are physically disabled or are sixty-five years of age, or have previously discharged the duties of the office. Re-election to any municipal office may not occur until two years after the first term has expired. No municipal officer is allowed to be interested directly or indirectly in any municipal contract, or in the purchase or sale of any real estate or other property by the municipality. Curiously enough, violators of this provision are only required to be removed from office upon a two-thirds vote of the council. The powers of the council are, on the whole, more extensive and important than might be expected under conditions such as those existing in the Philippines.

Besides approving or rejecting the nominations made by the president, the council is required to prescribe the duties and salaries of appointed employees, to fix the limits of municipal wards, fill permanent vacancies in the office of vice-president or councillor, make appropriations for necessary municipal expenditures, levy taxes within certain limits, manage the municipal property, erect needful buildings, provide for street lighting, sprinkling and cleaning, regulate the construction, care and use of streets, wharves and piers, suppress nuisances, prohibit unsanitary acts, construct and repair bridges, and sewers, regulate burial of dead, the establishment of slaughter-houses and markets and the inspection of the same, the inspection of various articles of food, take measures to prevent the spread of disease, establish and maintain a police department, provide against gambling houses and opium joints, restrain riots and disorderly assemblies, suppress vagrancy, provide for inspection of weights and measures, establish a post

office and postal service in harmony with the rules prescribed by the central government, establish and maintain municipal prisons and schools, regulate and license the sale of liquor and make such regulations and ordinances not repugnant to law "as may be necessary to carry into effect and to discharge the powers and duties conferred by this act, and such as shall seem necessary and proper to provide for the health and safety, promote the prosperity, improve the morals, peace, good order, comfort and convenience of the municipality and the inhabitants thereof, and for the protection of property therein." In addition to these important powers the council is further authorized, in its discretion, to order the suspension or removal for cause of any non-elective officer by two-thirds vote of all the members, to provide for the care of the poor, the sick and the insane, to purchase, lease and, with the approval of the provincial governor, to sell or mortgage the property of the municipality, to employ attorneys for the defence of the municipality, to provide for the establishment of certain public institutions, such as markets, public stables, bathing establishments, wharves, municipal cemeteries and ferries, and to fix reasonable fees for the use of the same, to provide for the establishment and maintenance of special and provisional institutions of learning, to construct and maintain water works, to license, tax or prohibit cock fighting, to license public vehicles, cafés, hotels and other amusements.

The municipal finances are provided for in some detail. The local revenues are devoted entirely to local purposes, and are derived exclusively from the following sources:

1. An *ad valorem* real estate tax of not less than one-fourth of one per cent and not more than one-half of one per cent.
2. A fee for the privilege of fisheries.
3. Fees for certificates of ownership of cattle, rents and profits from municipal property.
4. Licenses or rentals from certain institutions of a quasi-public character established and maintained by private persons.
5. Fees for tuition in the higher or provisional schools.
6. Licenses.
7. Fines.
8. Wagon taxes.

All taxes, licenses and fees are fixed by ordinance, but no octroi taxes are permitted. The proceeds of at least one-fourth of one per cent of the taxes on lands are required to be devoted to the support of free public schools. The municipal treasurer prepares an annual statement of the income and expenditures during the preceding year, which is reported to the provincial treasurer and is further audited by the council. The council prepares the annual budget in the form

prescribed by the provincial treasurer, the latter approves the budget if the estimated expenses are within the probable receipts. All taxes and other revenues of the municipality are collected by the provincial treasurer and transmitted to the municipal treasurer. For the purpose of taxation the municipal president, treasurer and a deputy of the provincial treasurer are constituted a board known as the municipal board of assessors. Appeals from this board are taken to a provincial board.

The Provincial Government Act provides for an admirably arranged system of provinces, which dovetail into the municipal system. The provinces are corporate bodies with the usual powers to acquire, control and convey property. The principal officers are the governor, secretary, treasurer, supervisor and fiscal or attorney. The governor is chosen by a convention of all the municipal councilors in the province, the election being subject to the approval of the central government. The provincial secretary, treasurer, supervisor and attorney are appointed and removed by the central government. The governor is the chief executive of the province. He enforces the sentences of the courts, controls the local police, suspends municipal officers, presides over the provincial board, visits each municipality once every six months, hears complaints against the conduct of executive officers of the municipality, controls the provincial jail, employs such deputies and assistants as are necessary to the discharge of his duties and fixes their salaries.

The provincial secretary records the governor's acts, is custodian of all provincial records and documents, and performs the duties of governor during the absence of the latter. The provincial treasurer is the chief financial officer of the province; he superintends the appraisal and assessment of real estate in all the municipalities of the province, directs the collection of taxes levied by the central, provincial and municipal governments respectively, appoints deputies and clerks, acts as collector of internal revenues for the province, is custodian of the provincial funds and reports annually to the insular treasurer.

The provincial supervisor directs the construction, repair and maintenance of roads, bridges and ferries within the province, except those within the inhabited portions of the municipalities. He determines which highways shall be supported by the municipal government and which by the provincial government; and is also charged with the construction and repair of public buildings belonging to the provincial government, awards contracts with the approval of the provincial board and reports monthly upon the condition of the roads to the latter board. The provincial fiscal is the legal adviser of the

provincial government and represents that government in all suits to which it is a party. The fiscal is also the adviser of the council and president of each municipality within the province, and acts as district attorney in prosecuting criminals. The fiscal is under the supervision of the insular attorney-general and reports to the latter officer. The governor, the treasurer and the supervisor constitute the provincial board, with power to levy provincial taxes on real estate, provide for court houses and jails, review action of the provincial supervisor in highway matters, direct the opening of a suit in behalf of the provincial government, direct the issue of warrants upon the provincial treasurer for certain purposes, provide for the appointment of subordinate employees under the various provincial officers and fix their salaries. All repairs or construction of roads or buildings involving a greater expenditure than five hundred dollars must be allotted to the lowest responsible bidder after due advertisement for bids. The insular treasurer is empowered to make inspections of the books and papers of provincial treasurers.

The system as outlined above has been applied in many different portions of the archipelago with results which have been variously estimated by different observers. The points which are most open to discussion in the plan of government presented are the lack of distinction between rural and urban districts, the extensive powers given to the municipal council, the division of responsibility for appointments and removals between the president and the council of the municipality and the method of choosing the provincial governor.

It will be doubted by many whether the more sparsely populated portions of the country should not be given a separate rural form of organization; the rural sections of Spanish dependencies generally have been deprived of most of the municipal services for which they have none the less been compelled to pay taxes. Many of these sections are so sparsely populated as to present little basis for a highly developed form of government. They are incapable of bearing any great burden of taxation and might therefore be given a district form of government with perhaps appointed officials. The most urgent need of the rural sections is the school and the road. After this comes the necessity for an efficient rural police, sanitary regulations and a judicial organization.

In the Philippines we are confronted by a double necessity: First, the establishment of an efficient administrative system, and, second, the necessity of teaching the people to govern themselves. At the present time an efficient administration is more important than self-government, it therefore should be accomplished, even at some sacrifice of the elective principle. When the Filipinos come to learn local

self-government, nothing will be more stimulating than the example of a model system of administration even though carried on by appointed officials. If we are squarely placed before the alternative of choosing for the Philippines a good road system or a liberal plan of local self-government we must inevitably decide in favor of good roads. The same reasoning will apply to schools and to all the other branches of local activity. From this point of view much might be said in favor of giving both the president of the municipality and the governor of the province more power than they at present exercise and of conferring the power to appoint these officers upon the central government rather than making them elective. From similar motives it might appear advantageous to give the president and governor respectively the entire control over appointments and removals in their respective administrative districts. The policy of requiring the consent of a collective body to the selection of administrative officials is open to grave objections. This policy has been adopted in the United States almost universally and almost universally it has resulted in the dictation of appointments by the collective body, whether it be the national senate, the state senate or the city council. It is to be regretted that this feature was embodied in the local government of the Philippines. On the whole, however, the plan is one which should work admirably in those sections of the archipelago where stable conditions have actually been restored. The system adopted will doubtless form the foundation for a permanent spirit of local autonomy which, under favorable conditions, should result in the rapid education of the people in things political.